

## SENATE BILL No. 342

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-2-1; IC 35-42-2-2.

**Synopsis:** Violence witnessed by children. Raises the penalty for battery from a Class A misdemeanor to a Class D felony if the offense is witnessed by: (1) a minor child or stepchild; or (2) a minor child residing within the household of the victim or of the person who commits the offense. Raises the penalty for criminal recklessness from a Class B misdemeanor to a Class D felony if the offense is witnessed by: (1) a minor child or stepchild; or (2) a minor child residing within the household of the victim or of the person who commits the offense.

**Effective:** July 1, 2001.

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January 16, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 342

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-42-2-1, AS AMENDED BY P.L.43-2000,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2001]: Sec. 1. (a) A person who knowingly or intentionally  
4       touches another person in a rude, insolent, or angry manner commits  
5       battery, a Class B misdemeanor. However, the offense is:

6       (1) a Class A misdemeanor if:

7           (A) it results in bodily injury to any other person;

8           (B) it is committed against a law enforcement officer or  
9           against a person summoned and directed by the officer while  
10          the officer is engaged in the execution of his official duty;

11          (C) it is committed against an employee of a penal facility or  
12          a juvenile detention facility (as defined in IC 31-9-2-71) while  
13          the employee is engaged in the execution of the employee's  
14          official duty; or

15          (D) it is committed against a firefighter (as defined in  
16          IC 9-18-34-1) while the firefighter is engaged in the execution  
17          of the firefighter's official duty;

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(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of his official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who is mentally or physically disabled and is committed by a person having the care of the mentally or physically disabled person, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined by IC 35-46-1-1);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty; ~~or~~

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty; **or**

**(L) the other person and is witnessed by:**

**(i) a minor child or stepchild; or**

**(ii) a minor child residing within the household;**

**of the other person or of the person who commits the offense;**

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon; and

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

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(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

SECTION 2. IC 35-42-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) As used in this section, "hazing" means forcing or requiring another person:

(1) with or without the consent of the other person; and

(2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.

(b) A person who recklessly, knowingly, or intentionally performs:

(1) an act that creates a substantial risk of bodily injury to another person; or

(2) hazing;

commits criminal recklessness, a Class B misdemeanor. However, the offense is a:

(1) Class A misdemeanor if the conduct includes the use of a vehicle;

(2) Class D felony if it is:

(A) committed while armed with a deadly weapon; or

(B) witnessed by:

(i) a minor child or stepchild; or

(ii) a minor child residing within the household;

of the victim or of the person who commits the offense or of the victim; and

(3) Class C felony if it is committed by shooting a firearm from a vehicle into an inhabited dwelling or other building or place where people are likely to gather.

(c) A person who recklessly, knowingly, or intentionally:

(1) inflicts serious bodily injury on another person; or

(2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

(d) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

(1) makes a report of hazing in good faith;

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(2) participates in good faith in a judicial proceeding resulting from a report of hazing;

(3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(e) A person described in subsection (d)(1) or (d)(2) is presumed to act in good faith.

(f) A person described in subsection (d)(1) or (d)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender was an adult.

**SECTION 3. [EFFECTIVE JULY 1, 2001] IC 35-42-2-1 and IC 35-42-2-2, both as amended by this act, apply only to crimes committed after June 30, 2001.**

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